

Transcript of the Testimony of

WILLIAM WRIGHT, M.D.

June 7, 2019

Craig Shipp

v

Correct Care Solutions, LLC, et al.

Sundae A. Stoa, FCRR, RPR

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Hansen and Company, Inc.

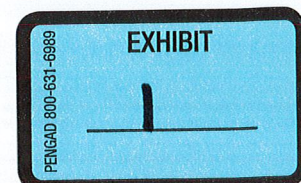
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UNITED STATES DISTRICT COURT
for the
Western District of Arkansas

Civil Action No. 4:18-CV-04017 SOH

DEPOSITION OF: WILLIAM WRIGHT, M.D. - June 7, 2019

CRAIG SHIPP,

Plaintiff,

v.

CORRECT CARE SOLUTIONS, LLC; DR.
LORENE LOMAX, DR. MIMO LEMDJA, et al.,

Defendants.

PURSUANT TO NOTICE AND AGREEMENT, the
deposition of William Wright, M.D. was taken on behalf
of the Defendants at 101 North Cascade Avenue, Suite
400, Colorado Springs, Colorado, 80903, on
June 7, 2019, at 9:56 a.m., before Sundae A. Stoa,
Registered Professional Reporter, Federal Certified
Realtime Reporter, and Notary Public within Colorado.

A P P E A R A N C E S

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I N D E X

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June 7, 2019

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By Ms. Middleton:	72, 80

INITIAL
REFERENCE

DEPOSITION EXHIBITS

Exhibit 1	Curriculum Vitae - Joseph William Wright, M.D.	7
Exhibit 2	Joseph William Wright, M.D. - Written Report - October 30, 2018	14

(Attached to original and copy transcripts.)

PREVIOUSLY MARKED DEPOSITION
EXHIBITS:

People's Exhibit 35	23
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INFORMATION REQUESTED:

(None)

QUESTIONS INSTRUCTED NOT TO ANSWER:

(None)

1 WHEREUPON, the following proceedings were
2 taken pursuant to the Arkansas Rules of Civil
3 Procedure.

4 WILLIAM WRIGHT, M.D.,
5 having been first duly sworn to state the whole truth,
6 testified as follows:

7 EXAMINATION

8 BY MS. ODUM:

9 Q. Good morning, Dr. Wright.

10 A. Good morning.

11 Q. We've already met; but, for the record, I'm
12 Michelle Odum, and I represent the medical defendants
13 in the case that's been filed by Craig Shipp. And
14 we're here today to take your deposition.

15 Have you had your deposition taken before?

16 A. Yes, ma'am.

17 Q. Okay. Very many times?

18 A. Oh, probably half a dozen.

19 Q. All right. Do you remember what the process
20 is?

21 Could you tell me what you remember the
22 process to be?

23 A. Well, you ask me some questions, and I tell
24 you the answers.

25 Q. Okay. Well, there are just some kind of

1 Q. That's it?

2 A. Yes.

3 Q. Okay. And in this inmate request, he talked
4 about -- he said he had a need for special orthotics;
5 is that correct?

6 He had a wound, he needed his orthotics?

7 A. Yes.

8 Q. And then, at the bottom, the warden wrote
9 something about he was forwarding to medical -- or,
10 "medical" question mark, something like that?

11 And that's the very bottom of the page.

12 A. Well, I don't know that that's the warden.

13 Q. Well, if the warden testified that's him,
14 what did he say?

15 A. It's the H.S.A.'s signature on there.

16 Q. Okay. This part: Action taken 12-12-16,
17 "medical" question mark; and that's Warden Arnold's
18 signature?

19 A. Oh, okay.

20 Q. And is that something that happens -- the
21 warden may get something, and he forwards it to medical
22 if it's medical?

23 A. That's usually not the case.

24 Q. Okay.

25 A. The warden doesn't usually get involved in

1 this -- in patient care issues.

2 He would have probably -- if it came to his
3 attention through some other route, he would probably
4 notify the H.S.A. about the issue.

5 Q. Okay. Well, so this request to Warden Arnold
6 from Craig Shipp, so he really didn't need to send it
7 to medical?

8 A. No. I think in the ordinary course, H.S.A.
9 would send the kite to medical.

10 Q. Okay. So that was the right thing to do is
11 send it to medical since it was a medical issue?

12 A. That's correct.

13 Q. All right. And then you said that H.S.A.
14 signed it at the bottom.

15 So she reviewed this, and responded on
16 February 15th, 2016; is that right?

17 A. That's correct.

18 Q. Okay. And you testified earlier that you
19 thought that the H.S.A. may have been aware on the
20 16th?

21 A. Yeah.

22 Q. But from this, it's actually the 15th?

23 A. The 15th.

24 Q. Okay. And when I refer to a sick call, it
25 was a different form.

1 And I'm going to hand this to you. There is
2 one dated 2-3-16?

3 A. Yes, ma'am.

4 Q. Okay. And that -- what date was that triaged
5 at the bottom section?

6 When was it received?

7 A. On the 5th.

8 Q. Okay. And then, if I recall, most of our
9 discussion today has been about that February 5th
10 encounter, the sick call encounter with Ms. Smith?

11 A. Okay.

12 Q. So from this, he knew how to use the sick
13 call procedure?

14 A. Yes.

15 Q. Okay. Now, in your experience, if he wanted
16 his shoes -- or, if another inmate wants shoes, in your
17 experience, did they submit a sick call about that?

18 A. Yes.

19 Q. Okay. Or, their CPAP machine -- that was a
20 really good example earlier. If they need their CPAP
21 machine, in your experience, they would send you or
22 send medical a request for it?

23 A. Yes, ma'am.

24 Q. Now, if they didn't get it in a couple of
25 days and they are worried, in your experience, did they

1 follow it up with another request?

2 A. It would just depend on the individual.

3 Q. Okay.

4 A. Some of them post daily requests; some would
5 wait a couple of weeks before they mentioned it again.

6 Q. Okay. Now, the daily requests, are those the
7 people that think I really, really, really, need this?

8 A. Yes.

9 Q. Okay. Did the daily requests from back when
10 you did it, did those kind of get -- just because they
11 are present, does that usually get them seen quicker?

12 A. No.

13 Q. Okay. Well, but a sick call gets you seen
14 when not submitting a sick call doesn't necessarily get
15 you seen; is that correct?

16 A. That's correct.

17 Q. Now, are you aware of Mr. Shipp filing any
18 other sick calls between February 1st and
19 February 16th, 2016?

20 A. I don't believe so.

21 Q. Okay. I'm sorry I keep shifting around.

22 And when that request that was sent to the
23 warden was forwarded to medical on the 15th, am I
24 correct he was seen by Dr. Lomax on the 16th?

25 A. That's right.

1 Q. Okay. Do you agree it was quicker for the
2 family to send the shoes in than it would have been to
3 go through the process of sending him out for a
4 orthotic to be made?

5 A. Yes.

6 Q. And I know that you've made a distinction
7 between a medical appliance and other property.

8 But regardless, anything needs to go through
9 security just to make sure there is no contraband; is
10 that correct?

11 A. That's correct.

12 Q. Okay.

13 A. Or, that the device itself is not dangerous.
14 For instance, metal implants and a brace.

15 Q. That's right. I was going to say some braces
16 have metal in them, and they don't let those in?

17 A. Right.

18 Q. Okay. And the warden testified something
19 about a shoe with a metal brace.

20 Now, if that had been the case, that
21 definitely would have had to have been checked out by
22 security; is that correct?

23 A. By security, yes.

24 Q. Okay. Now, from what I've read from your
25 report and our discussion today with regard to your

1 A. Well, really anybody that was in contact with
2 him.

3 And the chain of command was very strange.
4 The warden seemed to be wanting to approve things that
5 came in, which would not be the usual thing to do; the
6 warden deals with, you know, administrative matters,
7 and he wouldn't be involved in whether somebody needed
8 a medical device or not.

9 **Q. Okay. So how does that apply to standard of**
10 **care?**

11 The only standard of care opinion you really
12 **gave was with regard to Dr. Lemdja. Who else -- I**
13 **mean, what person is responsible for a chain of command**
14 **issue?**

15 A. The warden is responsible for that.

16 **Q. Okay. So is anybody in medical responsible**
17 **for the chain of command issue?**

18 A. They are in the chain of command, yes.

19 **Q. Okay. Do they create this procedure, do you**
20 **know?**

21 A. No. The procedures are for the facility as a
22 whole.

23 **Q. Okay. Well, I need you to explain how the**
24 **people are -- the individuals are responsible for a**
25 **chain of command issue; what authority they have to fix**

EXAMINATION

BY MS. MIDDLETON:

Q. Dr. Wright, can you hear me okay?

A. Yes, ma'am.

Can you hear me all right?

Q. Okay. Yes, I can.

I just kind of want you to explain -- I hear you say something about it's the chain of command. Is that what I'm hearing you had a problem with?

A. Yeah, I have a problem with that.

Q. Okay. Is it -- do you have a problem with them involving the warden in this decision?

Is that what you're saying?

A. Well, the thing that seemed peculiar was that the warden would be involved in this in any case.

He seemed to feel that he needed to have the shoes sent to him, for instance, while that was really not an appropriate thing to do.

Certainly, security would be involved in checking the shoes when they got there. That's not the warden's job, but it seemed like everybody in medical had the impression that they couldn't really do anything until the warden said it was okay.

Q. But then, did I hear you say that if the shoes had something metal on them, that's a possible

1 **is that correct?**

2 A. No, ma'am.

3 **Q. No?**

4 A. No, ma'am. It's the right foot.

5 **Q. When he was admitted, he had the Charcot foot**
6 **in the left foot or was it in the right?**

7 A. No. He had an ulcer on the left foot, and no
8 Charcot deformity on that side.

9 **Q. Okay. Again, can you just, in your own**
10 **words, tell me what it is you're saying that Warden**
11 **Arnold did not do right.**

12 A. I think that Mr. Arnold should have been
13 clear that this was a medical decision, and that he
14 acted that way.

15 He said several times that this is a medical
16 type of problem; and yet, he kept injecting himself
17 into it. I think everybody in medical is convinced
18 that they had to clear things with the warden before
19 they could do anything.

20 MS. MIDDLETON: Hold on for just a second
21 here.

22 Okay. I think that's all I have right now.

23 MS. ODUM: All right.

24 MR. FRANSEEN: Okay. I do have some
25 questions.

1 case, to keep the weight off that foot.

2 Q. And by failing to offload the foot, was that
3 a violation of the standard of care for Dr. Lemdja?

4 A. Yes.

5 Q. Did Dr. Lemdja notify the H.S.A.?

6 A. No.

7 Q. In fact, did Dr. Lemdja refuse to document
8 her encounter due to the liability according to an
9 email?

10 A. That's correct.

11 Q. C.C.S. should have trained their employees
12 when a medical device is needed for an inmate to notify
13 the H.S.A. or warden?

14 A. The proper procedure would be to notify the
15 physician or nurse practitioner at first, and not just
16 the nurses. And they would take the issue to the
17 H.S.A. right away.

18 Q. And that didn't occur in this instance, did
19 it?

20 A. No.

21 Q. Same question on the 9th for Dr. Lemdja: Did
22 she notify the H.S.A.?

23 A. No.

24 Q. Did she provide any sufficient offloading for
25 Mr. Shipp?

1 A. No.

2 Q. The warden testified that he received phone
3 calls from Mr. Shipp's family.

4 Did he provide any testimony that he told the
5 family, Here is the H.S.A. person you need to call,
6 this is their name, this is their number?

7 A. No.

8 Q. Would that have been the appropriate step for
9 him if that's what he believed needed to occur on that
10 date?

11 A. I believe that would be the appropriate
12 thing, yes.

13 Q. Same question for when Mr. Shipp wrote him on
14 the 1st about the need for his orthotics: Should he
15 have notified the H.S.A. about getting this approved?

16 A. Yes.

17 Q. Was there anything preventing the warden or
18 the H.S.A. from contacting a doctor and asking them
19 directly on the 1st, when they knew about this need,
20 should this be approved or not?

21 MS. ODUM: Object to form.

22 A. That would typically be a function of the
23 H.S.A. The H.S.A. has the job of administrating the
24 medical clinic.

25 The warden is involved with administering the

1 entire prison or jail, so the warden could certainly
2 pass it along, but it's really not his job to do that.
3 If he's concerned about something maybe being neglected
4 in his facility, he would certainly notify the H.S.A.
5 right away.

6 Q. (BY MR. FRANSEEN) If a request comes to him
7 about a medical device, is it his duty to notify the
8 H.S.A.?

9 A. Yes.

10 Q. On the 12th, there was a note that says:
11 Feet were getting worse while he awaits for all the
12 necessary paperwork to be cleared?

13 A. Yes.

14 Q. Is that the paperwork that Dr. Lomax was the
15 first person to initiate on the 16th?

16 A. That's correct.

17 Q. And that is fifteen days after Mr. Shipp gets
18 into the facility and notifies both medical and the
19 warden that he does not have his orthotics?

20 A. Yes.

21 Q. During that time period, he not only develops
22 sores on his left foot, which was evaluated on the 5th,
23 but also develops sores on his right foot?

24 A. Yes, he had at that time.

25 Q. Is it your opinion that had the facility

Q. Within a degree of medical certainty, is that what happened in this case?

MS. ODUM: Okay.

Q. I heard you say on the 1st that the warden should -- when he received the request from Mr. Shipp that he should have sent it to the H.S.A.

Well, I don't know if I have it in here --
the intake note.

1 The intake note would have --

2 **Q. No, it's not an intake, it's in his request.**
3 **He sent an inmate request to the warden on February 1st**
4 **right when he -- right after intake.**

5 **And I thought I heard you say that he should**
6 **have sent that to the H.S.A.?**

7 A. Well, that would be the person to send it to,
8 but -- let's see.

9 Is this on the 1st? Yes.

10 MS. MIDDLETON: Michelle, do you have a copy
11 of that? I thought you put that into evidence.

12 MS. ODUM: I put the -- we referenced the
13 February 12th one.

14 MR. FRANSEEN: I provided him with a copy of
15 the one on the 1st.

16 MS. MIDDLETON: Okay.

17 A. Yes, that's correct.

18 **Q. (BY MS. MIDDLETON) Okay. So you say he**
19 **erred by telling Shipp to go to medical?**

20 A. No, ma'am. He erred by not doing anything to
21 take care of this.

22 **Q. Well, did he not refer Mr. Shipp that he**
23 **needed to see medical?**

24 A. I don't know that.

25 **Q. Look at the bottom of that request. What's**